IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2007

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

WRIT PETITION No.46382 of 2006
and connected Miscellaneous Petitions

Tamil Nadu Catholic Educational Association
rep. By its Secretary cum Treasurer
Fr.A. Francis Xavier
Diocesan Pastoral Centre
25 Rosary Church Road
Santhome, Chennai 600 004. ... Petitioner

-vs-

1.The Government of Tamil Nadu
rep. By its Secretary
Home Department
Fort St. George
Chennai 600 009.

2.The Director General of Police
(Law and Order)
Office of Director General of Police
Santhome High Road, Chennai.

3.The District Collector
Collectorate
Salem.

4.The District Superintendent of Police
Salem.

5.The Director of School Education
DPI Complex, College Road
Chennai.
(R.5 impleaded as per order dt.08.12.2006
in MP.No.3 of 2006) ..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus as stated therein.

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For petitioner :: Mr. R. Vijayanarayanan, Sr.Counsel
for Mr. Auxilia Peter

For respondents :: Mr. Raja Kalifulla
Government Pleader for R.1toR.4
Mr. M. Sekar
Spl. Govt. Pleader for R.5

ORDER

(MADE BY P.JYOTHIMANI,J.)

This writ petition is filed for direction against the respondents to appoint a Commission of Enquiry headed by a retired High Court Judge to enquire into the occurrence that took place on 18.11.2006 at Fathima Girls Higher Secondary School, Omalur, Salem and the subsequent events of destruction of property, jeopardising the life and safety of the Minority Christian Community in the State of Tamil Nadu and to pay the assessed damages to the said institution.

2. In relation to the death of a XII Standard student Sukanya, D/o. Shanmugam of Tholur Village, Pennagaram Taluk, Dharmapuri District of the said School, whose body was found floated in the agricultural well on 18.11.2006 at 08.30 AM, there has been some instances by which the properties of the School have been extensively damaged by group of persons. It is the case of the petitioner that vandalism was committed by a criminal gang and according to the petitioner the damage caused to the properties was estimated to the extent of 1.5 crores. It was in those circumstances, the above writ petition was filed.

3. Today, the Secretary cum Treasurer of the petitioner Association, viz., Tamil Nadu Catholic Educational Association, Fr. A.Francis Xavier, has filed an affidavit dated 27.07.2007. After narrating the entire incident, in para 8 of the affidavit he has stated that after filing of the writ petition, the Government has come forward to redress the grievance and settle the matter amicably. In view of the subsequent development, the petitioner Association seeks permission to withdraw the writ petition also stating that there is no compulsion or collusion in filing such affidavit and the same is filed only in the larger interest of the Christian Community. The relevant portion of the affidavit reads as under:

> "8. I humbly submit that subsequent to the filing of the above writ petition and the orders of this Hon'ble Court, the government has taken steps to settle the issue and to safeguard the interest of the Christian Minority Community in the State of Tamil Nadu. In the meantime, the apex body of Catholic Church in Tamil Nadu "The Tamil Nadu Bishop Council and the leaders of the Federation of

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Minorities had a dialogue with the government to settle this issue. Pursuant to that the government has promised to redress our grievances and settle the matter amicably. So, for the larger interest of the Christian Community and the interest of our member institution, the petitioner prays before this Hon'ble Court to permit the petitioner to withdraw the above writ petition. There is no force, no compulsion or no collusion. It is only for the larger interest of the Christian Community in Tamil Nadu. "

In view of the above said averment made by the petitioner in the affidavit filed by him today, and recording the contents therein, the writ petition is allowed to be withdrawn and the same is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary
   Government of Tamil Nadu
   Home Department, Fort St. George
   Chennai 600 009.

2.The Director General of Police
  (Law and Order)
  Office of Director General of Police
  Santhome High Road, Chennai.

3.The District Collector
  Collectorate, Salem.

4.The District Superintendent of Police, Salem.

5.The Director of School Education
  DPI Complex, College Road, Chennai.

1 cc To M/s.Auxilapeter, Advocate, SR.46954.
1 cc To The Government Pleader, SR.46833.

W.P.No.46382 of 2006

AKR(CO)
RVL 07.08.2007

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